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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,688	05/09/2006	Johannes De Jonge	9562-8	9761

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EXAMINER

KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2832

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,688

Applicant(s)

JONGE, JOHANNES DE

Examiner

Lisa N. Klaus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1-5B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

A- Pages 6 and 7, the reference character "1" has been used to designate both "rocker key device" and "AND circuit".

B- Figure 5A, 4' is not described in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art, figure 4A in view of Takiguchi et al. (US 6,781,076).

The Admitted Prior Art discloses a rocker key device comprising:

- a set of switch domes 4 mounted in a pattern on a support structure;
- the outputs of adjacent switch domes are operatively connected to inputs of a common AND circuit.

- Regarding claim 1, the Admitted Prior Art does not disclose a circular pattern.

It would have been an obvious matter of design choice to change the square shape of the pattern as taught by the Admitted Prior Art to the circular pattern for the purpose of suitability for the intended use, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

- Regarding claim 1, the Admitted Prior Art does not teach the AND circuit.

Takiguchi discloses the swing type multi-way switch comprising AND circuit (col. 12, lines 35-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the AND circuit as taught by Takiguchi with Prior Art's device for the purpose of using the directional multi-way switch without need to add any projections and corresponding switch elements.

- Regarding claim 2, the Admitted Prior Art discloses:

- the switch domes 4 are equally distributed around the pattern with the same distance to the centre of the pattern;

- Regarding claim 3, the Admitted Prior Art discloses:

- the set of switch domes 4 comprises eight switch domes;

- Regarding claim 4, the Admitted Prior Art discloses:

- the switch dome device and switch dome actuator 2 for actuating switch domes 4;

- Regarding claim 5, the Admitted Prior Art discloses:

- the actuator 1 is a rocker key provided with actuator bosses 6 for actuating the switch domes 4;

- Regarding claim 6, the Admitted Prior Art discloses:

- the actuator 1 is a joy stick;

- Regarding claim 7, the Admitted Prior Art discloses:

- see the rejection claims 1-6;

4. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art, figure 4A in view of Kennedy (US Pub 2005/0143124).

- Regarding claim 8, the Admitted Prior Art does not disclose a display.

Kennedy discloses a mobile terminal with ergonomic imaging functions comprising:

- the display 104.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to position the switch domes on the support structure on

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22,5/67,5/112,5/157,5/202,5/247,5/292,5/337,5 for the purpose of suitability for the intended use, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

- Regarding claim 9, the Admitted Prior Art discloses:
- the electronic equipment is a mobile radio terminal (page 1, line [0005].

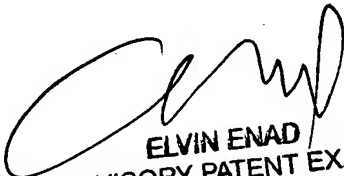
Conclusion

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is (571) 273-1993. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571) 272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

July 16, 2007


ELVIN ENAD
SUPERVISORY PATENT EXAMINER

23 July 07